

**REMARKS**

The following remarks are made in response to the Office Action dated December 20, 2005. The Examiner is thanked for his courtesies extended during the Informal Interview with the undersigned on January 3, 2006. Claims 1-8, 10-15, 17-20, 22, 23, 25, and 27 are pending in the application. Claims 1, 10, 17, and 25 have been amended. Applicant respectfully requests further consideration of the newly amended claims in view of the following remarks.

In the Office Action, the claims were rejected under 35 U.S.C. §112, ¶1. The Office Action states that the specification as originally filed does not provide support for the following: a spanning, single elevation, pre-located, topside deck; maintaining the topside deck at a single elevation; the spanning elevated floor being of a substantial single elevation parallel to the spanning topside deck; and the hatch opening and topside deck remaining at substantially a single elevation.

Applicant submits the application as originally filed, including reference to the claims originally filed and the drawing figures submitted with the application provide support for the aforementioned limitations at issue. “[T]he Federal Circuit has frequently addressed the ‘written description’ requirement of §112. A fairly uniform standard for determining compliance with the ‘written description’ requirement has been maintained throughout: ‘although the applicant does not have to describe exactly the subject matter claimed, ...the description must clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed.’” *Vas-Cath, Inc. v. Mahurkar*, 19 U.S.P.Q. 2d 1111, 1116 (Fed. Cir. 1991). The MPEP has adopted this reasoning and states “the subject matter of a claim need not be described literally

(i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. MPEP §2163.02.

The *Vas-Cath* case makes clear that “drawings alone may provide a written description of an invention as required by §112.” *Vas-Cath*, 19 U.S.P.Q. 2d at 1118. In *Vas-Cath*, the Federal Circuit found that applicant’s prior design patent for a double lumen catheter properly supported utility patent claims directed to a pair of semi-circular lumens, a conical tip, a ratio of the tip tapers, the shape, size and placement of the inlets and outlets. *Vas-Cath*, 19 U.S.P.Q. 2d at 1118. (“That combination invention *is* what the ‘081 [design patent] drawings show.”)

A similar conclusion was reached in *In re Heinle*, 145 U.S.P.Q. 131 (CCPA 1965), where the CCPA overturned the Board’s final rejection of claims directed to a toilet paper core that was recited as being “approximately one-fourth of the circumference of said core.” *In re Heinle*, 145 U.S.P.Q. 131, 136 (CCPA 1965). The court found that perspective views properly supported the claimed limitation. *In re Heinle*, 145 U.S.P.Q. at 136.

The same conclusion was reached in *In re Wolfensperger*, 133 U.S.P.Q. 537 (CCPA 1962) with respect to the claimed limitation of a “packing ring... having, in untensioned condition, a mean diameter corresponding approximately to the mean diameter of said chamber and a radial width smaller than the radial width of said chamber. *In re Wolfensperger*, 133 U.S.P.Q. 537, 538 (CCPA 1962). The CCPA found the limitation was found in shown in the drawings and correlated by the written description. *In re Wolfensperger*, 133 U.S.P.Q. at 541-42.

The limitations at issue here are similar in nature to those at issue in the aforementioned cases. When considering the drawing and the original written description as a whole, the subject

limitations are properly supported. For instance, support for “a spanning, single elevation, pre-located, topside deck” can be found in drawing figures 1, 3, 4, and 5. As set forth in the specification, the vessel of the present invention is converted without alteration to the outer hull. The specification describes that the hatch is installed in the deck of the converted vessel. 16:17-18. “The specification states, a large amount of structural steel already exists in the deck over the wing tanks which as stated before remains as is.” 16:19-20. “The pre-conversion structural integrity of the vessel created by the prior solid deck may be restored or increased using the principles described above with respect to the installation of hatch coamings and inserts.” 16:20-22. As shown in figures 3, 4, and 5, the top deck spans across the hull between port and starboard sides, 24-28. Figures 1, 3, 4, and 5 show the top deck with a single elevation. Additionally, the specification describes providing hatch coamings that provide additional steel structure for reinforcement of the deck. 13:10-12. “[T]he hatch coamings may extend transversely across the underside of the deck and form a transverse girder below the deck.” 13:12-13. “The depending portions of the hatch coamings may extend longitudinally across the underside of the deck and form a longitudinal girder below the deck.” 13:13-15. This makes clear that the deck is pre-located, and additional bracing as necessary to store the structural integrity of the ship is added to the pre-located topside deck as necessary. The specification also describes dimensioning for the hatch to provide “sufficient space on the deck of the vessel replacing the hatch cover between the hatch coaming and the side of the vessel when accessing the cargo compartment.” 15:18-21. In view of the drawings and the description, it is clear to one having ordinary skill in the art that a topside deck having a single elevation would facilitate placement of the hatch between the hatch coaming and the side of the vessel.

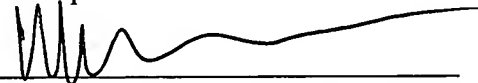
With respect to the limitations of the spanning elevated floor being of substantially a single elevation and substantially parallel to the spanning topside deck, the summary of the invention describes “the new bottom plating is preferably attached to and spans the port and starboard side longitudinal bulkheads and the spaced apart transverse bulkheads.” 6:12-14. The drawings also support the concept of a single elevation elevated floor. Specifically, figures 3, 4, and 5 show longitudinal girders 76 which are added to support the elevated floor that have the same height as the pre-existing center-line girder 60. As amended herein, claims 1, 10, 15, and 25 recite that the elevated floor is substantially parallel to the topside deck. Again, figures 4 and 5 show the elevated floor 72 comprising flat “plates” that span across the inner cargo tank to form a sealed barrier therein. 17:13-20. The flat “plates” of the elevated floor are shown in the drawing figures 4 and 5 to be substantially parallel to the top side deck. The drawing figures 4 and 5 show the elevated floor as flat “plates” in a single elevation.

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In view of the above, applicant respectfully requests reconsideration of the rejection that the limitations of "parallel," "elevation," and "single elevation" are not supported by the specification or the drawings as originally filed. In view of the foregoing, applicant submits that the application is in a condition for allowance and notification to that effect is earnestly solicited at the Examiner's earliest convenience. For the Examiner's convenience, the cases cited herein have been attached with the relevant portions highlighted. The Examiner is invited to contact the undersigned by telephone if any other matters require resolution prior to notification of allowance.

Respectfully submitted,  
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